

FILED

UNITED STATES COURT OF APPEALS

APR 10 2012

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

GABE BEAUPERTHUY; et al.,

Plaintiffs - Appellees,

v.

24 HOUR FITNESS USA, INC., d/b/a 24  
Hour Fitness; et al.,

Defendants- Appellants.

No. 12-15013

D.C. No. 3:06-cv-00715-SC  
Northern District of California,  
San Francisco

ORDER

Before: PREGERSON, CANBY, and FISHER, Circuit Judges.

We have reviewed appellants' response to this court's January 9, 2012 order to show cause and we conclude that we lack jurisdiction over this appeal because it seeks review of an order compelling arbitration and the case is still proceeding in the district court. *See* 9 U.S.C. § 16(b); *see also Sanford v. MemberWorks, Inc.* 483 F.3d 956, 961-62 (9th. Cir. 2007). Accordingly, this appeal is dismissed.

**DISMISSED.**